

## REMARKS

### General Remarks

Claims 1 – 16 are pending in the application. Claims 1 and 9 are amended; support for these amendments is found at paragraph [0184] of the Patent Application Publication, *inter alia*.

Applicant has carefully studied the outstanding Office Action in the present application. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

### Final Rejection of the Outstanding Office Action

Applicants note that the Office Action dated June 19, 2006 is made final by the Examiner. Applicants respectfully submit that the final rejection of the Office Action is not in accordance with present practice, as discussed in MPEP 706.07(a), 2<sup>nd</sup> paragraph (emphasis added):

Under present practice, second or any subsequent actions on the merits shall be final, **except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement** filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Applicants respectfully submit that the new ground of rejection introduced by the Examiner in the Office Action was not necessitated by applicants' amendment or based on information submitted in an information disclosure statement. Applicants therefore respectfully request that the Examiner reconsider the final rejection of the Office Action.

### Claims Rejections

Claims 1 – 16 stand rejected under 35 U.S.C. 102(e) as being anticipated by Meisberger et al. (5,578,821). Applicants respectfully traverse this rejection as applied to each of the rejected claims.

Meisberger et al. shows and describes an electron beam inspection system and method having two modes of operation: die-to-die and die-to-database. In die-to-database inspection the

signal from one die derived from an electron microscope is compared with a signal that is derived from the database which typically is the one that was used to make the die.

Each of claims 1 and 9, as amended, recites in relevant part, "using an inspection task selected from among a plurality of different inspection tasks in response to the type of local characteristic expected to occur in the portion of interest."

Nothing in the Meisberger reference remotely suggests using an inspection task that is selected from among a plurality of different inspection tasks, or that the inspection task is selected in response to a type of local characteristic expected to occur in the portion of interest that is currently being inspected. The database 54 in Meisberger et al. corresponds to a reference signal that is characteristic of the one that is used to make the die, not to an inspection task that is employed to inspect the die being inspected. No reasonable skilled practitioner would equate a reference signal corresponding to a die to an inspection task that is used to inspect a type of local characteristic expected to occur in a portion of interest of the die.

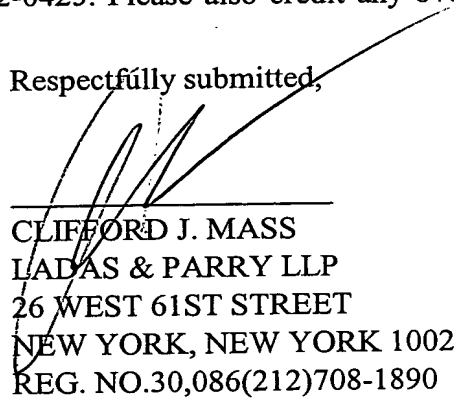
In view of the foregoing, Applicants respectfully request that the Examiner withdraw rejection of independent claims 1 and 9, and their dependent claims 2 – 8 and 10 – 16, each of which is patentable at least by virtue of its dependency from a patentable main claim.

Conclusion and request for telephone interview

In view of the foregoing, this application is believed to be in order. Reconsideration and allowance of this application are respectfully solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No 12-0425. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
CLIFFORD J. MASS  
LADAS & PARRY LLP  
26 WEST 61ST STREET  
NEW YORK, NEW YORK 10023  
REG. NO.30,086(212)708-1890